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7 **Attorney for Plaintiff**
8 **Van A. Pena, Ph.D., M.D.**

FILED

FEB 11 2010

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND

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THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

VAN A. PENA, Ph.D., M.D.,

Plaintiff,

v.

TIMOTHY MEEKER, et al.,

Defendants.

S CASE NO. C 00-4009 CW

S

S PLAINTIFF'S AMENDED NOTICE OF
S APPEAL TO THE UNITED STATES
S COURT OF APPEALS FOR THE
S NINTH CIRCUIT

S

S

S The Honorable Claudia Wilken

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NOW COMES PLAINTIFF VAN A. PENA, M.D., Ph.D., and files this his notice of appeal to the United States Court of Appeals for the Ninth Circuit from the final judgment of the district court, entered on January 14, 2010, and all interlocutory orders that gave rise to that judgment, including, but not limited to, the summary judgment order entered on January 24, 2007, the orders both prior to and during the trial requesting that the district court reconsider her order granting summary judgment, the district court's orders concerning motions *in limine*, the district court's evidentiary rulings, and the district court's refusal to provide the jury a clarifying jury instruction in response to the jury's questions.

Dated: February 10, 2010

LAW OFFICES OF LAWRENCE J. KING

By:

Lawrence J. King
Attorney for Plaintiff
Van A. Pena, Ph.D., M.D.

PROOF OF SERVICE

I, Lawrence J. King, hereby declare that:

I am employed in the City of Petaluma, County of Sonoma, California. I am over eighteen years of age, and not a party to the within cause; my business address is 6 C Street, Petaluma, CA 94952.

On **February 11, 2010**, I served a true copy of the following named, attached documents:

PLAINTIFF'S NOTICE OF APPEAL,

PLAINTIFF'S AMENDED NOTICE OF APPEAL,

PLAINTIFF'S CIVIL APPEALS DOCKETING STATEMENT,

&

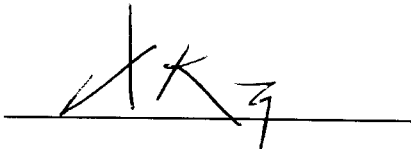
PLAINTIFF'S REPRESENTATION STATEMENT

by HAND DELIVERY to the address and individual(s) listed below:

**Terry Senne, Deputy Attorney General
1515 Clay Street, Suite 2000
P.O. Box 70550
Oakland, CA 94612-0550
Facsimile: (510) 622-2121**

I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

EXECUTED at Petaluma, County of Sonoma, California on February 11, 2010, by:


Lawrence J. King